

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

(4) ROBERT CANNON HAYES)
_____)

DOCKET NO. 5:19-CR-022-MOC

FACTUAL BASIS

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and John D. Keller, Acting Chief of the Criminal Division's Public Integrity Section, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

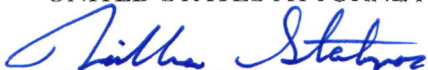
1. On August 28, 2018, the defendant, Robert Cannon Hayes, falsely stated to federal agents of the Federal Bureau of Investigation (FBI), that he had never spoken with the North Carolina Insurance Commissioner about personnel or personnel problems at the North Carolina Department of Insurance or about Greg Lindberg or John Gray.

2. At the time that the defendant made the false statements, the FBI agents were investigating matters relating to the attempted bribery of a North Carolina state elected official, so the defendant's false statements were material to their investigation and therefore material to a matter within the jurisdiction of an agency within the executive branch of the United States government.

3. At the time that the defendant made the materially false statements, he knew that it was unlawful to lie to the FBI, and he knew that his statements were false because the defendant

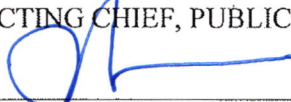
had in fact spoken with the North Carolina Insurance Commissioner about Greg Lindberg and John Gray, as well as Greg Lindberg's request that the North Carolina Insurance Commissioner move certain personnel within the North Carolina Department of Insurance.

R. ANDREW MURRAY
UNITED STATES ATTORNEY



William Stetzer
Dana Washington
Assistant United States Attorneys

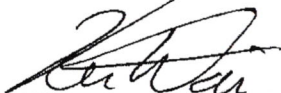
JOHN D. KELLER
ACTING CHIEF, PUBLIC INTEGRITY SECTION



James C. Mann
Trial Attorney

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



Kearns Davis, Attorney for Defendant

DATED: 9/26/19